

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 17–30 are in the present application. It is submitted that these claims are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. The new claims, as presented herein, are not submitted for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these claims are presented simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 1-16 are canceled.

The drawings were objected to because in Figure 1 the arrow connecting combiner 26 with broadcast contents recording means 23 was pointing in the opposite direction. In response, Applicant submits the attached replacement sheets of drawings, 1/11, 3/11, 5-11, and 10/11, including a correction of the directional arrow in Figure 1. Further, in Figures 1, 3, 5, and 14, reference number —26— indicating the display has been deleted since this reference number was previously used in reference to the combiner in Figure 1. Since the display is not considered part of the invention, it is deemed unnecessary to assign another reference number to the display. Also, in Figure 3, the spelling of “information” has been corrected. Accordingly, Applicant believes this objection has been overcome.

The Specification was objected to because of various informalities. A new Abstract having the proper language and format is presented which clearly describes the invention. Applicant has amended each cited paragraph in accordance with the Examiner's comments. Accordingly, Applicant believes this objection has been overcome.

Claims 6 and 10 were objected to because of typographical errors. Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-16 have been canceled. Accordingly, Applicant believes these objections are moot.

Claims 1-9 and 11-16 were rejected under 35 U.S.C. § 102(a) as being anticipated by Zigmond et al. (U.S. Patent 6,698,020). The present invention is "an information receiving device for receiving separately transmitted program information and commercial information, and allowing a viewer to set display conditions for displaying the commercial information with the program information." (Claim 17; Claim 24 contains similar limitations) In this manner, a viewer can set the conditions for displaying commercials with the programs being watched. The Examiner contends Zigmond meets this condition setting limitation with the viewer and system information disclosed at Column 10, lines 35-39. (Office Action page 4) However, Zigmond's viewer and system information is "data provided by the viewer upon initiation of the services provided by the ad insertion device 80, such as a voluntary survey or questionnaire filled out during the registration process.... the viewer and system information may be updated automatically in order to characterize the viewing habits of the viewers" (Column 10, lines 35-42). In other words, Zigmond's viewer simply provides information which is indirectly used by

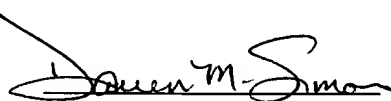
the system to adjust the display of commercials; rather than directly setting the display conditions for displaying commercials as required in the present invention. This is an important distinction, since the present invention allows the viewer to have direct control over commercials, including the deletion of all commercials. Typically, a viewer would be charged a lower fee, the more commercials are watched; and vice versa. Accordingly, for at least this reason, Zigmond fails to anticipate the present invention and the claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

An extension of time fee is deemed to be required for the filing of this amendment. No additional fees are anticipated, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
Darren M. Simon
Reg. No. 47,946
(212) 588-0800

AMENDMENTS TO THE DRAWINGS

The attached replacement sheets of drawings, 1/11, 3/11, 5-11, and 10/11, include the following changes to the figures:

In Figures 1, 3, 5, and 14, please delete the reference number —26— indicating the display.

In Figure 1, please correct the directional arrow connecting combiner 26 to broadcast contents recording means 23 as shown.

In Figure 3, please change “INFORMANTION” to —INFORMATION— as shown.